

HAWKERS, PEDDLERS AND ITINERANT VENDORS ORDINANCE

1. LICENSE REQUIRED

No person shall engage in the business of a HAWKER, PEDDLER or ITINERANT vendor within the Town of Weare unless a license has been obtained to do so.

2. DEFINITIONS

As used in this ordinance, the following terms shall have the definitions indicated;

HAWKER and PEDDLER - shall mean and include any person, either principal or agent, who travels from town to town, or from place to place in the same town, selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, or merchandise, either on foot or from any animal, cart or vehicle; or any person who travels from town to town, or place to place in the same town, offering to perform personal services for household repairs and improvements, or solicits or induces and person to sign any contracts relating to household repairs and improvements, including contracts for replacement or installation of siding on any residence or building; or any person who keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, either personally or through agents, at a place other than his regular place of business, goods, wares or merchandise.

ITINERANT VENDOR - shall mean all persons, both principals and agents, including those persons whose principal place of business is not in the state, who engages in temporary or transient business in the state, either in one locality or traveling from place to place, selling goods, wares and merchandise from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hires or occupies a temporary place of business. A **“temporary place of business”** means any public or quasi public place, including, but not limited to, a hotel, motel, rooming house, store room, building, part of a building, tent, vacant lot, railroad car or trailer, temporarily occupied for the purpose of making retail sales of goods to the public.

3. LICENSE REQUIRED

No person shall engage in the business of HAWKER, PEDDLER, or ITINERANT vendor within the Town of Weare unless a license has been issued to do so. Licenses issued under this ordinance shall be subject to the procedures, regulations and guidelines established by the Board of Selectmen and filed with the Town Clerk. Licenses shall be issued by the Board of Selectmen, through the Chief of Police, to whom such authority is herewith delegated.

4. APPLICATION FOR LICENSE

Application for a HAWKER, PEDDLER, or ITINERANT vendors license shall be made to the Town of Weare upon a form to be supplied by the Chief of Police.

The applications shall include:

- A) The name, home and business address of the applicant, and the name of the owner, if other than the applicant.
- B) A description of the type of food, beverage or merchandise to be sold.
- C) A valid NH HAWKERS and PEDDLERS or ITINERANT vendors license MUST be presented at the time of the application.
- D) A description of any stand or motor vehicle to be used in the operation of the business including the license and registration number of any motor vehicle to be used in the operation of the business.
- E) A license for the Town Health Officer for any HAWKER, PEDDLER or ITINERANT vendor who sells any food product for consumption.
- F) Written permission from the property owner where the applicant intends to conduct business.
- G) Hours of operation which shall NOT be prior to 8:00 a.m. NOR after dark, unless express permission is given by the Board of Selectmen for extended hours of operation.

5. FEES

License fees shall be fifty dollars (\$50.00) per year for each HAWKER, PEDDLER or ITINERANT vendor. This license will be renewable on the first of each succeeding year at a fee of fifty dollars (\$50.00).

6. SALE ON PUBLIC PROPERTY

No person shall place or expose for sale or advertisement, merchandise of any description or other article on any sidewalk, street, right-of-way or property owned by the Town of Weare unless expressed written approval has been obtained from the Board of Selectmen. No person shall place or expose for sale or advertisement merchandise of any description or other article on any sidewalk, street, right-of-way, or property owned by the Town of Weare School District and the John Stark Regional School District, unless expressed written permission has been obtained from the appropriate School Board.

7. EXCEPTION TO LICENSE REQUIREMENTS

Pursuant to RSA 321:3, the provisions of this ordinance shall NOT apply to the following:

- A) Sales made to dealers by commercial travelers or selling agents.

- B) Any person selling the product of his own labor, or the labor of his immediate family, or the product of his own farm, or the one he tills.
- C) Any person conducting sales of personal household goods on his own property.
- D) Any person who operated a permanent business in this state, occupies temporary premises, and prominently displays the permanent business' name and permanent address of businesses conducted from the temporary premises.
- E) Any Not-for-Profit organization, veterans group, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes when no part of the entity's earnings benefit any private shareholder of individual; provided however, that any such organization shall first register with the Board of Selectmen.
- F) Any person conducting business in any industry or association trade show.
- G) Any person who sells exclusively antiques, used goods, or vintage items.

8. CONDUCT

A HAWKER, PEDDLER or ITINERANT Vendor shall register on a DAILY basis with the Weare Police Department and will provide them with a list of names of the people who will be hawking or peddling, the exact location where the hawking or peddling will take place, the exact time when the hawking or peddling will take place, and give a full description, including plate numbers, of any vehicle that will be used.

9. PROHIBITED CONDUCT

No HAWKER, PEDDLER or ITINERANT Vendor shall:

- A) Sell food or beverages for immediate consumption, unless he has available for public use, a litter receptacle which would be available for patron's use, and further, complies with all Town of Weare recycling requirements.
- B) Leave any location without first ensuring the he picks up, removes and disposes of all trash or refuse remaining from any sales made by him.
- C) Solicit or conduct business with persons who remain in their motor vehicle during the transaction of any sales.
- D) Sell any other goods than that which they are licensed for by the Health Officer.
- E) Set up, maintain or permit, the use of any table, crate, carton, rack, sign, or any other device, or increase the selling or display capacity of his or her stand or motor vehicle, than was identified in the permit application submitted to the Town of Weare.

10. REVOCATION OF LICENSE

In addition to any penalty imposed, such license may be revoked for any violation of this ordinance or state statute pertaining to the conduct of such business.

11. VIOLATIONS AND PENALTIES

Any person violating the provisions of this ordinance shall be guilty of a violation which shall be punishable by a fine not to exceed five hundred (\$500.00) dollars. Each day of operation or each transaction or sale, shall constitute a separate offense.

12. EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption by the Board of Selectmen.

13. ADOPTION

Under the authority granted to the Board of Selectmen in lieu thereof RSA 31:102-a and after proper notice and hearing, the Board of Selectmen of the Town of Weare, hereby adopts this HAWKERS, PEDDLERS or ITINERANT Vendors Ordinance, on this the 15th day of July, 1996.

Douglas L. Hatch, Chairman

A. Craig Slattum

Leon G. Methot

Attested: On this the 15th day of July, 1996.

Town Clerk, Town of Weare